

REMARKS

Reconsideration of the present application in view of the above amendments and following remarks is respectfully requested. Claims 57, 59–61, 64, 66–68, 71 and 76–80 were pending. As set forth above, Applicants have hereby canceled claims 76 and 77 without prejudice to the filing of any divisional, continuation or continuation-in-part application. Applicants have hereby amended claims 57 and 64 to more clearly define the subject matter encompassed by Applicants' invention. In addition, Applicants hereby submit new claims 81 and 82. Support for the new claims may be found in the application as originally filed, in part, in Example 38, at page 239, line 1 through page 244, line 24. No new matter has been added. Therefore, claims 57, 59–61, 64, 66–68, 71 and 78–82 are currently pending.

Applicants gratefully acknowledge the guidance provided by Examiner Wehbé in stating that claims 76-80 are allowable if rewritten in independent form. Applicants note that independent claim 57, as amended, corresponds to claim 76 rewritten in independent form and that independent claim 64, as amended, corresponds to claim 77 rewritten in independent form.

REJECTIONS UNDER OBVIOUSNESS-TYPE DOUBLE PATENTING

In the Office Action dated May 5, 2004, claims 57-58, 62-65 and 69-73 were rejected under the judicially created doctrine of obviousness-type double patenting as allegedly unpatentable over claims 2-3 of U.S. Patent No. 5,625,126 (Lonberg and Kay; "the '126 patent") and over claim 5 of U.S. Patent No. 5,789,650 (Lonberg and Kay; "the '650 patent"). In addition, claims 57-58, 61-65 and 68-73 were rejected under the judicially created doctrine of obviousness-type double patenting as allegedly unpatentable over claims 1-10 of U.S. Patent No. 5,877,397 (Lonberg and Kay; "the '397 patent").

Applicants respectfully disagree that the previously pending claims are obvious in view of any claims of the '126 patent or the '650 patent. However, merely to expedite prosecution of the instant application and without acquiescing to the instant rejection, Applicants have amended claims 57 and 64 to incorporate the elements of claims 76 and 77, respectively. Applicants note that

claims 76 and 77 were not subject to this rejection and, therefore, respectfully submit that this rejection has been rendered moot in view of the pending claims. Accordingly, Applicants respectfully request that this ground of rejection be withdrawn.

REJECTION UNDER 35 U.S.C. §102(e)

In the Office Action, claims 57, 59-61, 64, 66-68 and 71 were rejected under 35 U.S.C. §102(e) as anticipated by U.S. Patent No. 6,150,584 (Kucherlapati *et al.*, "the '584 patent").

Applicants respectfully disagree that the previously pending claims are anticipated by the '584 patent. However, merely to expedite prosecution of the instant application and without acquiescing to the instant rejection, Applicants have amended claims 57 and 64 to incorporate the elements of claims 76 and 77, respectively. Applicants note that claims 76 and 77 were not subject to this rejection and, therefore, respectfully submit that this rejection has been rendered moot in view of the pending claims. Accordingly, Applicants respectfully request that this ground of rejection be withdrawn.

In view of the above, each of the presently pending claims in this application is believed to be in condition for allowance. Entry of the amendment is proper, as the amendment addresses matter of form and places the claims in condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

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Respectfully submitted,

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